

RECEIVED
CENTRAL FAX CENTER
JUL 20 2006

REMARKS

Reconsideration of the Examiner's statement of reasons for allowance is respectfully requested.

In the statement of reasons for allowance of claims 1-26 that accompany the Notice of Allowance in this case, the Examiner indicates that the phrase "near a maximum allowable fuel collection unit fuel pressure" is interpreted to mean "a fuel pressure at which the collection unit would be in danger of mechanical failure," and that "[t]he prior art does not teach this limitation of the independent claims." Applicants submit that the Examiner's definition of the phrase "near a maximum allowable fuel collection unit fuel pressure" is incorrect and must yield to Applicants' definition of this phrase as recited in Applicants' specification.

The Federal Circuit has long held that where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. *Toro Co. v. White Consolidated Industries Inc.*, 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999). See also MPEP §2.111.01(III). In this case, Applicant's specification recites at p. 16, ll. 25-29 "[t]he phrase 'near the maximum allowable fuel collection unit pressure level' is thus intended to define a band or window of fuel pressure values between a minimum fuel pressure that will allow for satisfactory identification of fuel leaks in the subsequent leak testing of the fuel system and the maximum allowable fuel collection unit pressure level, $FPCU_{MAX}$."

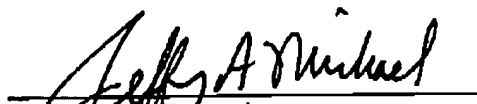
Applicants' definition of the phrase "near the [or a] maximum allowable fuel collection unit pressure," as set forth above, controls interpretation of this phrase as it is

used in claims 1-26, and Applicants respectfully request the Examiner to reconsider the allowability of these claims under Applicants' definition of this phrase.

If the Examiner determines that any of applicants' claims 1-26 are not allowable under the proper (i.e., Applicants') definition of the phrase "near the [or a] maximum allowable fuel collection unit pressure," the Examiner is expected to re-open prosecution on the merits. Conversely, failure of the Examiner to re-open prosecution on the merits and/or the absence of contrary comments by the Examiner will be understood to indicate the Examiner's acquiescence to the allowability of claims 1-26 in view of Applicants' definition of the phrase "near the [or a] maximum allowable fuel collection unit pressure."

The Examiner is cordially invited to contact the undersigned by telephone to discuss this matter further.

Respectfully submitted,



Jeffrey A. Michael
Registration No. 37,394
Barnes & Thornburg
11 South Meridian Street
Indianapolis, Indiana 46204-3335
Telephone: (317) 231-7382
Fax: (317) 231-7433

INDSQ2 JMD 822854v1